IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 13522 of 2004

Between:

Kuna Jagadiswara Rao S/o Karuvulu
R/o Srikakulam Srikakulam District

..... PETITIONER

AND

The Regional Manager, APSRTC., Srikakulam, Srikakulam District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ more particularly one in the nature of Certiorari of any other appropriate Writ or direction declaring the action of the respondent in passing the proceeding NO. P4/876(17)/04-RM-SKLM., dated 20--7-2004 rejecting the case of the petitioner for appointment to the post of Drivers illegal, arbitrary and set- aside the same and consequently direct the respondents to give appointment orders as a Driver.

Counsel for the Petitioner: MR.K.BHEEMA RAO

Counsel for the Respondent No.: MR.P.VINAYAKA SWAMY

The Court made the following:

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ORDER:

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The petitioner claims that he obtained driving licence for light motor vehicles in the year 1989, for heavy goods vehicle in the year 1989, and for passenger vehicle in the year 1995. In pursuance of a notification dated 17.05.1997, issued by the respondent Corporation, the petitioner made an application for recruitment of conductors and drivers. In the said recruitment, he passed the written and oral examinations, and he was selected as a driver, and sent for training from June, 1998 for one year, and accordingly, he successfully completed the said training course.

Subsequently, basing on a complaint from a third party, a criminal case in Crime No.211/1998 was registered under sections 468 and 471 of the Indian Penal Code against the petitioner and 11 others. The said criminal case, covered by CC.No.525/1999, on the file of the Court of Judicial 1st class Magistrate (Special Mobile Court) Srikakulam, ended in acquittal.

The petitioner contends that the learned Magistrate held that the allegation made against the petitioner that he produced a bogus driving licence is not proved and he is entitled to be taken into service. The petitioner, accordingly, made a representation to the respondent on 14.09.2002 to consider his case, but the respondent, so far, did not pass any orders. The petitioner, therefore, approached this Court through W.P.No.9775 of 2004 and this Court through its order dated 07.06.2004 gave the following direction:

> "It is for the respondents to consider the case of the Writ Petitioner. Therefore, the Writ Petition is disposed of directing the 1st Respondent i.e. Regional Manager to consider the representation of the petitioner made on 14.09.2002 within a period of four weeks from the date of receipt of a copy of this order. In the circumstances of the case, no costs."

In pursuance of the direction of this Court dated 07.06.2004, the respondent passed the impugned order, rejecting the case of the petitioner, on the ground that heavy goods vehicle driving licence, issued by the Regional Transport Officer, Visakhapatnam, does not bear the endorsement, therefore the heavy goods driving licence is not a genuine one.

The petitioner contends that the concerned transport authority also gave a certificate to the effect that the licence possessed by the petitioner is a genuine one.

Since the respondent did not reject the case of the petitioner on any other ground, the respondent is directed to consider the case of the petitioner, and pass appropriate orders regarding his absorption into service as a driver of the Corporation, within a period of one month from the date of receipt of a copy of this order, on production of licence and other required papers by the petitioner.

The Writ Petition is, accordingly, disposed of.

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16.08.2004

dsr.

To:

1.The Regional Manager,

APSRTC, Srikakulam,

Srikakulam District

2. Two CD copies.